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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:
Chandler et al.

Serial No. 10/694,084

Filed: October 28, 2003

For: **MICROPARTICLES WITH MULTIPLE
FLUORESCENT SIGNALS AND
METHODS OF USING SAME**Group Art Unit: 1743
Examiner: Wallenhorst, Maureen

Atty. Dkt. No. 5868-03004

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on the date indicated below:

12/07/2004
Date
Pamela Genik**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**Commissioner for Patents
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2. As sole owner in the captioned application, Luminex Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,649,414 and 6,268,222.
3. Luminex Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

4. In making the above disclaimer, Luminex Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent Nos. 6,649,414 and 6,268,222, as presently shortened by any terminal disclaimer, in the event that it later: (i) expires for failure to pay a maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by a reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. Luminex Corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above.

6. The Commissioner is authorized to charge the Terminal Disclaimer fee under 37 CFR 1.20 (d) to deposit account number 50-3268/5868-03004.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under the United States Code, Title 18 § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 7, 2004

By:



Ann Marie McWhorter
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